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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/923,232

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Rajko Milovanovic

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09/28/2006

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EXAMINER

JONES III, CLYDE H

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,232	Applicant(s) MILOVANOVIC ET AL.	
	Examiner Clyde H. Jones III	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10, 12, 29, 33, 34 and 45-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 12, 29, 33, 34, 45-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/11/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 10, 12, 29, 33, 34, and 45-54 on pages 7-10 of the 7/11/2006 Remarks have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 10, 12, 29, 34, and 46, 47, 49, 50, 52, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ee et al. (US 2005/0149870 A1) in view of Kinsella (US 6,914,517 B2).

Regarding claims 1, 12, and 29 Van Ee teaches a system for user recognition and customized content provisioning, the system comprising:

a remote control device (par. 37, line 8) having a plurality of control keys, the remote control device including a fingerprint sensor (par. 40, lines 3-6,9,11; par. 87, lines 1-9); and

an apparatus capable of presenting customized content (presentation objects) to the user controllable by activation of the plurality of control keys (par. 32 & par. 34, lines 1, 4-5,15, 18 - in which customized [i.e., visual/audio information presented on screen/speakers is based on the user's input information] content [e.g., EPG information, TV channel programming, web pages, menus, GUIs, etc] is presented by the display/presentation equipment controllable by the remote control device's keys, e.g., volume/channel/program/content control selections; par. 46, lines 1-11; par. 61, lines 1-4; par. 62, lines 1-6; par. 87, lines 6-9), the customized content selected dependent upon the fingerprint data (fingerprint scanner/user recognition and authentication data) of the user's finger (col. 32, lines 4-6; par. 40, lines 6,10-12; par. 53, lines 4-9,13,16-18; par. 69, lines 1-3,5-7,11-12; par. 73, lines 42-47; par. 76, lines 25-29 - in which customized content/presentation objects which comprise GUIs,

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programming, menu's, etc, are presented to the user based on recognition/authorization data obtained from the remote control devices fingerprint scanner).

However Van Ee fails to specifically disclose the finger print sensor embedded in one of the control keys, whereby activation of the one of the control keys reads fingerprint data of a user's finger.

In an analogous art, Kinsella teaches in set-top box or computer-controlled systems (col. 22, lines 14-15) it is desirable to provide a finger print sensor 529A – fig. 6 embedded in one of the control keys 522b (col. 13, line 66-col. 14, line 1; col. 14, lines 6-7; col. 17, lines 16-23; col. 21, lines 40-42), whereby activation of the one of the control keys reads fingerprint data of a user's finger (col. 14, lines 2-7; col. 17, lines 18-28; col. 19, lines 63-65) for the purpose of authenticating user interactivity, detecting unauthorized user access and enabling access to system features based on the user's identification (col. 19, lines 17-24; col. 20, lines 15-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Van Ee to include the finger print sensor embedded in one of the control keys, whereby activation of the one of the control keys reads fingerprint data of a user's finger as taught by Kinsella for the added advantage of increasing user comfort by enabling the user's fingers to rest naturally on the buttons while the fingerprint is sensed (Kinsella – col. 14, lines 3-7).

Regarding claim 10, Van Ee teaches an apparatus (fig. 1,2) for content provisioning comprising:

Means for acquiring data related to a user (user usage history data) without active user input or participation (par. 63, lines 1-4; par. 66; par. 69; in which passive user usage/tracking data is acquired by the system without explicit or instant input, e.g., when acquiring data on times the user does not use the system), the means for acquiring data including a remote control device (par. 37, line 8) having a plurality of control keys and a fingerprint sensor (par. 40, lines 3-6,9,11; par. 87, lines 1-9); and means for presenting customized content (presentation objects) to the user controllable by activation of the plurality of control keys (par. 32 & par. 34, lines 1, 4-5,15, 18 - in which customized [i.e., visual/audio information presented on screen/speakers is based on the user's input information] content [e.g., EPG information, TV channel programming, web pages, menus, GUIs, etc] is presented by the display/presentation equipment controllable by the remote control device's keys, e.g., volume/channel/program/content control selections; par. 46, lines 1-11; par. 61, lines 1-4; par. 62, lines 1-6; par. 87, lines 6-9), the customized content selected dependent upon the fingerprint data (fingerprint scanner/user recognition and authentication data) of the user's finger (col. 32, lines 4-6; par. 40, lines 6,10-12; par. 53, lines 4-9,13,16-18; par. 69, lines 1-3,5-7,11-12; par. 73, lines 42-47; par. 76, lines 25-29 – in which customized content/presentation objects which comprise GUIs, programming, menu's, etc, are presented to the user based on recognition/authorization data obtained from the remote control devices fingerprint scanner).

However Van Ee fails to specifically disclose the finger print sensor embedded in one of the control keys, whereby activation of the one of the control keys reads fingerprint data of a user's finger.

In an analogous art, Kinsella teaches in set-top box or computer-controlled systems (col. 22, lines 14-15) it is desirable to provide a finger print sensor 529A – fig. 6 embedded in one of the control keys 522b (col. 13, line 66-col. 14, line 1; col. 14, lines 6-7; col. 17, lines 16-23; col. 21, lines 40-42), whereby activation of the one of the control keys reads fingerprint data of a user's finger (col. 14, lines 2-7; col. 17, lines 18-28; col. 19, lines 63-65) for the purpose of authenticating user interactivity, detecting unauthorized user access and enabling access to system features based on the user's identification (col. 19, lines 17-24; col. 20, lines 15-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Van Ee to include the finger print sensor embedded in one of the control keys, whereby activation of the one of the control keys reads fingerprint data of a user's finger as taught by Kinsella for the added advantage of increasing user comfort by enabling the user's fingers to rest naturally on the buttons while the fingerprint is sensed (Kinsella – col. 14, lines 3-7).

Regarding claims 34, 46, 49, and 52, Van Ee in view of Kinsella teach the control keys include an activation key operable to activate the remote control device (Van Ee - par. 76, lines 24-28; par. 95, lines 1-6; Kinsella – col. 21, lines 50-54; in which pressing one of the plurality of keys activates, i.e., triggers, the remote control to turn on the TV,

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select the channel, set the volume, etc., e.g., volume key, on/off, key, channel up key, etc.), and

the fingerprint sensor 529A (Kinsella fig. 6) is embedded in the activation key (Kinsella - col. 13, line 66-col. 14, line 1; col. 14, lines 6-7; col. 17, lines 16-23; col. 21, lines 40-42).

Regarding claims 47, 50, 53, and 54, Van Ee in view of Kinsella teach the remote control device deactivates if no control key is activated for a predetermined time period (Van Ee – par. 49, lines 5-9, 19-23; par. 59; par. 67, lines 5-6, 10-18; Kinsella – col. 21, lines 50-54).

5. Claims 33, 45, 48, and 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ee et al. (US 2005/0149870 A1) in view of Kinsella (US 6,914,517 B2) as applied to claims 1, 10, 12, and 29 above, and further in view of Darbee (US 6,130,726).

Regarding claims 33, 45, 48, and 51, Van Ee in view of Kinsella teach the control device includes a thumb actuated configuration (track ball pointing device) (col. 16, lines 50, 56-57); and

the fingerprint sensor is integrated within a middle portion of the thumb operated configuration (Kinsella – col. 22, lines 1-7; Van Ee – par. 95, lines 4-7).

However, Van Ee in view of Kinsella fail to teach control keys disposed in a cross configuration.

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In an analogous art, Darbee teaches it is desirable to provide control keys in a cross configuration for making discrete navigation movements (col. 6, lines 58-61; col. 13, lines 32-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Van Ee in view of Kinsella to include control keys disposed in a cross configuration for the added advantage of increasing user comfort and decreasing user frustration by providing a directional/pointing device that is not dependent on a level or stable surface such as surface mounted pointing devices (i.e., the remote is hand-held) and is enabled to make discrete/precise movements in a given direction for more easily selecting menu items, lists, etc (Darbee – col. 13, lines 32-44).

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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